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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/922,158

08/06/2001

Kia Silverbrook

YUI33US

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24011

7590

03/22/2005

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

NGUYEN, LAM S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,158	Applicant(s) SILVERBROOK, KIA	
	Examiner LAM S. NGUYEN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/113,053.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 12/20/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The reference WO 97/96958 is unable to retrieve; as a result, the reference has not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US 6655776) in view of Matsui et al. (US 6062667) (*The current application is a CIP of the application 09/113053 that does not disclose the limitation of a barcode depicted on the housing and representing data relating to the media and the media colorant of the ink cartridge. Therefore, the effective US filing date regarding to the claims containing the above limitation is the US filing date of the current application. The Murray reference is applied as a prior art under the above consideration*).

Murray et al. disclose a printing cartridge (FIG. 4, element 52) that is releasably

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engageable with a printing device (*FIG. 3A, element 10*), the printing cartridge comprising

a housing (*FIG. 4, element 52*) that defines a media exit opening (*FIG. 4: The opening space above the printing medium 29*);

media and media colorant supply arrangements (*FIG. 3A and 4: The ink reservoir 58 and the printing paper located on the platen 54*) enclosed within the housing and containing a supply of media and a supply of media colorant, respectively;

feed mechanisms positioned within the housing for feeding the media from the media exit opening to a printing mechanism and the media colorant to the printing mechanism (*FIG. 3A, elements 54, 56*); and

a memory (*FIG. 4, element 62*) depicted on the housing stores a code representing data relating to the media and the media colorant such as ink or printing media type (*column 4, lines 27-34*) (**Referring to claim 12**).

Murray does not disclose a linear reader for reading a barcode depicted on the housing and a central processor capable of interpreting data carried on the barcode representing data relating to the media and the media colorant, wherein the linear reader reads the barcode during engagement of the printing cartridge and the printing device (**Referring to claim 11**).

Matsui et al. disclose a printing cartridge in a printing apparatus having a housing including a medium consumed by the printing apparatus for printing purpose (*FIG. 10, 12-14, element 21*). An information medium (*FIG. 6, element 51*) such as a memory 22, a magnetic tape 35a-b, or a barcode 37 storing or representing the information of the medium is depicted on the housing. In case that the barcode is depicted on the housing, the printing apparatus has a linear reader or a barcode scanner 38 to read/scan the barcode when the ink cartridge 21 is inserted into

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the printing apparatus 24 (*FIG. 13*), and the information read/scanned by the linear reader/the barcode scanner is transferred to a central processor *CPU* (*FIG. 6, element 55*) through an interface 54 between the cartridge 51 and the *CPU 55* (*FIG. 6*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the printing cartridge disclosed by Murray such that replacing the memory depicted on the housing by a barcode to represent the same information stored in the memory as disclosed by Matsui et al. The motivation of doing so is that the recording information medium need only be printed as a barcode, so that the medium can be manufactured relatively easily and an inexpensive printing cartridge can be provided as taught by Matsui (*column 17, lines 19-24*).

Allowable Subject Matter

2. Claims 19-20 are allowed.

Referring to claim 19: The primary reasons for the indication of the allowability of the claim is the inclusions therein, in combination as currently claimed, of the limitation that a drive mechanism that is engageable with the media feed mechanism when the printing cartridge is engaged with the body is neither disclosed nor taught by the cited prior art of record, alone or in combination.

Claim 20 is allowed because it depends directly/indirectly on claim 19.

Response to Arguments

Applicant's arguments filed 12/10/2004 have been fully considered but they are not persuasive.

First of all, the applicants argued that Murray does not describe a printing cartridge that

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encloses supply arrangements of the media and the media colorant. In response, the examiner cites that in column 3, lines 61-67, Murray teaches that “the media sheets are housed in a media pack” and “The media may thus be incorporated into a second housing 52”. In column 4, lines 6-8, Murray teaches that “The second housing 52 may also include an ink reservoir 58”. As a result, Murray teaches the above limitation.

Secondly, the applicants argued that Murray’s platen and biasing member are not the feed mechanism. However, because the claims do not clearly define what the feed mechanism is, the biasing member, as supporting the feeding of the printing medium and positioned inside the housing 52, anticipates the feeding mechanism as claimed.

Next, the applicants argued that Murray discloses a configuration in which the sheets of media can quite easily be replaced without replacing the cartridge. It would therefore be meaningless to apply a barcode relating to the media on the cartridge. It follows that Murray does not suggest that the application of such a barcode would be desirable in any way. In response, the examiner cites that “An assertion of what seems to follow from common experience is just attorney argument and not the kind of factual evidence that is required to rebut a prima facie case of obviousness” (MPEP 2145 I). In this case, the applicants’ assertion that the configuration in which the sheets of the media can quite easily be replaced without replacing the cartridge so the barcode would not be desirable does not establish an evidence to rebut the obviousness.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

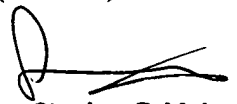
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

03/16/05


Stephen D. Meier
Primary Examiner